
HOUSE BILL No. 1828

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10-1-28.5; IC 3-11.

Synopsis: Punch card ballots. Provides that punch card voting systems may not be used in an Indiana election after December 31, 2003.

Effective: July 1, 2001.

Aguilera

January 17, 2001, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1828

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on~~
- 3 ~~which votes are recorded by the process of punching or marking. refers~~
- 4 **to either a punch card ballot or an optical scan ballot.**
- 5 SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]: Sec. 4.5. "Ballot card voting system" **refers to either a**
- 8 **punch card voting system or an optical scan voting system.**
- 9 SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2001]: Sec. 33.8. "Optical scan ballot" **means a card or another**
- 12 **paper on which votes are:**
- 13 (1) recorded by marking the card or paper in ink or pencil;
- 14 and
- 15 (2) tabulated by an optical system that reads the marks on the
- 16 card or paper.
- 17 SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE



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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting
3 system using optical scan ballots.**

4 SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which
7 votes are recorded by punching holes in the card.**

8 SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting
11 system using punch card ballots.**

12 SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999,
13 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in
15 a precinct, after a voter has marked a ballot card the voter shall place
16 it inside the envelope provided for this purpose and return it to the
17 judge.

18 (b) The judge shall remove the stub from the ballot card. This
19 subsection does not apply to an optical scan ~~ballot card~~ voting system.

20 (c) The judge shall then offer to return the envelope with the ballot
21 card inside to the voter. The voter shall:

- 22 (1) accept the envelope and deposit it with the ballot card inside
23 into the ballot box; or
24 (2) decline the envelope and require the judge to deposit it in the
25 ballot box.

26 (d) The voter then shall leave the polls.

27 SECTION 8. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The commission must
29 approve a ballot card voting system before it may be used in an
30 election.

31 **(b) After June 30, 2001, the commission may not approve a
32 punch card voting system for use in an election.**

33 **(c) After December 31, 2003, a punch card voting system may
34 not be used in an election.**

35 SECTION 9. IC 3-11-13-6, AS AMENDED BY P.L.176-1999,
36 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card
38 voting system is used, a county election board shall:

- 39 (1) have the marking devices prepared for the election;
40 (2) have the marking devices put in order, set and adjusted, and
41 made ready for voting when delivered to the precincts; and
42 (3) provide the precinct election officers with marking devices, a

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demonstration marking device (except in precincts using optical scan ~~ballot cards~~; **ballots**), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 10. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 11. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial

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1 numbers of all of the ballot cards provided to a precinct and shall note
2 in this record the precinct to which each ballot card relates.

3 SECTION 12. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999,
4 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed
6 to vote.

7 (b) This subsection does not apply to an optical scan ~~ballot card~~
8 voting system. After a voter has signed the poll list, the poll clerk
9 holding the ballot card shall remove the top stub, as described in
10 section 18 of this chapter, and deliver to the voter one (1) of each ballot
11 card that the voter is entitled to vote at the election. The top stub (and
12 any second stub declined by the voter under section 33 of this chapter)
13 shall be retained by the precinct election board and returned to the
14 election board following the close of the polls.

15 (c) As each successive voter calls for a ballot, the poll clerks shall
16 deliver to the voter the first initialed ballot of each type. The inspector
17 shall then deliver to the poll clerks another ballot of each type, which
18 the clerks shall initial as before.

19 SECTION 13. IC 3-11-13-33, AS AMENDED BY P.L.176-1999,
20 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the
22 voter shall place it inside the envelope provided for this purpose or fold
23 the envelope described in section 18(c)(1) of this chapter and return the
24 ballot card to the judge.

25 (b) This subsection does not apply to an optical scan ballot ~~card~~ or
26 to a ballot card with a fold-over envelope. The judge shall remove the
27 second stub, as described in section 18 of this chapter, from the
28 envelope and offer the second stub to the voter.

29 (c) The judge shall offer to return the envelope with the ballot card
30 inside to the voter. The voter shall:

- 31 (1) accept the envelope and deposit it in the ballot box; or
- 32 (2) decline the envelope and require the judge to deposit it in the
33 ballot box.

34 (d) If a voter offers to vote a ballot card that is not inside the
35 envelope provided for this purpose or with the envelope not folded if
36 the ballot is described in section 18(c)(1) of this chapter, the precinct
37 election board shall direct the voter to return to the booth and place the
38 ballot card in the envelope provided for this purpose or fold the
39 envelope.

40 (e) After a voter's ballot cards have been deposited in the ballot box,
41 the poll clerks shall make a voting mark after the voter's name on the
42 poll list.

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(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 14. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card.~~ A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

(1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and

(2) without detaching any stub attached to the card, place the card in the container for voided ballots in a manner that does not expose the choices of the voter.

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